

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
                                )  
Plaintiff,                 )                           4:16CR3085  
                                )  
                                )  
v.                            )                           **ORDER**  
                                )  
PAUL KENNER,              )  
                                )  
                                )  
Defendant.                )  
                                )  
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Magistrate Judge Zwart has issued a Findings and Recommendation (Filing [28](#)) that Defendant's motion to dismiss the information (Filing [7](#)) and amendment thereto (Filing [20](#)) be denied. Defendant has filed an objection (Filing [29](#)) to the Findings and Recommendation. After de novo review, and because Magistrate Judge Zwart has thoroughly and correctly analyzed the facts and the law, I adopt the judge's Findings and Recommendation.

IT IS ORDERED:

1. The Findings and Recommendation (Filing [28](#)) is adopted;
2. Defendant's objection (Filing [29](#)) to Judge Zwart's Findings and Recommendation is denied;
3. Defendant's motion to dismiss the information (Filing [7](#)) and amendment thereto (Filing [20](#)) are denied;
4. Defendant's request that "[i]n the event the Court does not strike any Count of the Information on the ground the statutes or regulations are invalid, then Defendant urges that the jury be instructed it must find specific criminal intent, and

not merely general intent . . . ." shall be held in abeyance and addressed during the jury-instruction conferences to occur during the week of trial; and

5. This matter is referred to Judge Zwart for further progression.

DATED this 26th day of October, 2016.

BY THE COURT:  
s/ *Richard G. Kopf*  
Senior United States District Judge